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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,868	03/07/2007	Takashi Mori	Q94502	3900

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
WILLIAMS, LELA	

ART UNIT	PAPER NUMBER
1789	

NOTIFICATION DATE	DELIVERY MODE
03/11/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

Office Action Summary	Application No.	Applicant(s)	
	10/575,868	MORI ET AL.	
	Examiner	Art Unit	
	LELA S. WILLIAMS	1789	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3 and 5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3 and 5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's amendment filed December 21, 2010 necessitated the new ground of rejection presented in this Office Action. Accordingly, the following action is made FINAL.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 3, 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 states "non-thermally degraded"; however there is no support in the specification for said limitation. It is noted that page 1, line 25- page 2, line 3 states "In foods such as casing sausages and canned foods produced by a high-temperature heat treatment, hydrogen sulfide having an unpleasant smell is generally generated due to thermal degradation of protein used as the raw materials so that the quality is spoiled in some case." This does not teach that the protein material used in the present invention should be "non-thermally degraded". Further, the cited phraseology clearly signifies a "negative" or "exclusionary" limitation for which the applicants have no support in the original disclosure. Negative limitations in a claim which do not appear in the specification as filed introduce new concepts and violate the description requirement of 35 USC 112, first paragraph, Ex Parte Grasselli, Suresh, and Miller, 231 USPQ 393, 394 (Bd. Pat. App. and Inter. 1983); 783 F. 2d 453.

The insertion of the above phraseology as described above positively excludes thermally degraded protein materials; however, there is no support in the present specification for such exclusions. While the present specification is silent with respect to the use of thermally degraded protein materials, is noted that as stated in MPEP 2173.05(i), the "mere absence of a positive recitation is not the basis for an exclusion."

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamai et al. JP 2941416 in view of Kato JP 6047662.

Hamai et al. discloses a method for deodorizing unpleasant smells, such as hydrogen sulfide, which is caused during the process of treating foodstuffs, specifically fish meat, with high temperature and elevated pressure (page 2). The reference adds an oxidizing agent, of which ascorbic acid is listed (translated page 8). Hamai also teaches the addition of "auxiliary materials" and seasonings to the fish product before the fish material is treated by an extruder at high temperature (70-200°C) under elevated pressure (machine translation page 3, line 6). After the fish material is treated by ascorbic acid, secondary materials, and extruder, it is frozen (machine translation page 3, last paragraph and page 4, line 10).

It is noted that the reference teaches heating the protein in a solution of ascorbic acid and not the addition of ascorbic acid before heating (thermally degrading) the protein. Kato discloses a method for reducing the odor of fish by placing the fish in a solution containing ascorbic acid

(Abstract). Therefore, given Kato's teaching of reducing the odor by the use of ascorbic acid, one of one of ordinary skill in the art would have been motivated to apply the ascorbic acid solution to not only the structured meat compound of Hamai et al., but also to the raw meat before it is treated and formed into a structured compound in efforts to reduce the hydrogen sulfide odor.

Response to Arguments

Applicant's arguments, filed December 21, with respect to the rejection under JP 2941416 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hamai et al. JP 2941416 in view of Kato JP 6047662.

Applicant's statements concerning the structured compound of Hamai are correct. The reference does not disclose adding ascorbic acid to non-thermally degraded materials; however this process is not novel as disclosed by Kato. Kato discloses a method for reducing the odor of fish by placing the fish in a solution containing ascorbic acid (Abstract). Therefore, given Kato's teaching of reducing the odor by the use of ascorbic acid, one of one of ordinary skill in the art would have been motivated to apply the ascorbic acid solution to not only the structured meat compound of Hamai et al., but also to the raw meat before it is treated and formed into a structured compound in efforts to reduce the hydrogen sulfide odor.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LELA S. WILLIAMS whose telephone number is (571)270-1126. The examiner can normally be reached on Monday to Thursday from 7:30am-5pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LELA S. WILLIAMS/
Examiner, Art Unit 1789

/L. S. W. /

/Callie E. Shosho/
Supervisory Patent Examiner, Art Unit 1787